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16 **UNITED STATES DISTRICT COURT**

17 **DISTRICT OF NEVADA**

18 ALLSTATE INSURANCE COMPANY,
ALLSTATE PROPERTY & CASUALTY
19 INSURANCE COMPANY, ALLSTATE
INDEMNITY COMPANY, and ALLSTATE
20 FIRE & CASUALTY INSURANCE
COMPANY,

21 Plaintiffs,

22 v.

23 RUSSELL J. SHAH, MD, DIPTI R. SHAH,
MD, RUSSELL J. SHAH, MD, LTD., DIPTI
24 R. SHAH, MD, LTD., and RADAR
MEDICAL GROUP, LLP dba UNIVERSITY
25 URGENT CARE, DOES 1-100, and ROES
101-200,

26 Defendants.
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28 AND RELATED CLAIMS

CASE NO. 2:15-cv-01786-APG-DJA

**STIPULATION AND ORDER TO
EXTEND DEADLINE TO FILE JOINT
PRETRIAL ORDER**

[FOURTH REQUEST]

1 Plaintiffs/Counterdefendants Allstate Insurance Company, Allstate Property & Casualty
 2 Insurance Company, Allstate Indemnity Company, and Allstate Fire & Casualty Insurance
 3 Company (collectively, the “Allstate Parties”) and Defendants and Counterclaimant Russell J. Shah,
 4 M.D., Dipti R. Shah M.D., Russell J. Shah, MD, Ltd., Dipti R. Shah, MD, Ltd., and Radar Medical
 5 Group, LLP d/b/a University Urgent Care (collectively, the “Radar Parties”), by and through their
 6 respective attorneys of record, stipulate and agree as follows:

7 1. On June 14, 2024, the parties submitted a Third Stipulation [ECF No. 599] extending
 8 the deadline to prepare and file the joint pretrial order until October 30, 2024, pending the outcome
 9 of a private mediation, which the parties agreed to conduct on September 30, 2024, with Hon. Frank
 10 Maas (Ret.) through JAMS. On June 18, 2024, the Court entered an Order [ECF No. 600] approving
 11 the parties’ Stipulation.

12 2. On September 30, 2024, the parties attended an all-day private, in-person mediation
 13 in New York City, before Judge Maas. The parties also had separate pre-mediation conference calls
 14 with Judge Maas. The parties were unable to resolve this matter at the mediation on September 30,
 15 2024.

16 3. Since the mediation, counsel for both parties have been embroiled in a number of
 17 matters that require immediate attention. Joshua P. Gilmore, primary counsel for the Radar Parties,
 18 has a number of outstanding matters this month and next month, including an evidentiary hearing,
 19 a settlement conference, depositions, oppositions to countermotions for summary judgment, replies
 20 to summary judgment motions, a motion to dismiss, other motion practice, and a CLE. Todd W.
 21 Baxter, primary counsel for the Allstate Parties, is also involved in addressing certain motions that
 22 will be heard on November 1, 2024, and November 15, 2024, and has an Appellate Brief due on
 23 October 25, 2024. Mr. Baxter will also be out of state from October 27, 2024, through October 31,
 24 2024, and will not be returning to the office until November 1, 2024. Moreover, Mr. Baxter received
 25 a proposed statement of decision issued on October 11, 2024, and has until November 1, 2024,
 26 within which to file objections to the 31-page proposed statement of decision. When the parties
 27 submitted the prior Stipulation on June 14, 2024, it was hard to anticipate at that time, any conflicts
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1 that would make the drafting of the joint pretrial order difficult within the time allotted, requiring
 2 this additional request.

3 4. As the Court is aware, this matter has been litigated over an extensive number of
 4 years. Based on the number of contested facts and legal issues to be resolved at trial for the Allstate
 5 Parties' claims, the Radar Parties' affirmative defenses to those claims, and the Radar Parties'
 6 counterclaims; the volume of Exhibits to be reviewed for pretrial disclosure purposes; the number
 7 of depositions taken in discovery, including numerous Fed. R. Civ. P. 30(b)(6) depositions of the
 8 Allstate Parties, and corresponding need to identify the pages and lines of each transcript to be
 9 offered, or which may be offered at trial; and so that counsel for the parties have an adequate
 10 opportunity to confer in good faith, which has not happened yet, in an attempt to narrow the issues
 11 to be decided by the Court through motions in limine (and decide an appropriate briefing schedule
 12 for motions in limine), the parties seek additional time to complete the joint pretrial order. Due to
 13 the substantial amount of time and effort that will be expended by the parties in pre-trial work,
 14 including preparing the extensive joint pretrial order, and counsel's existing schedules as
 15 summarized herein, and with the Thanksgiving holiday, the parties are requesting an extension up
 16 to and including until December 9, 2024 to file the joint pretrial order.

17 5. This is the fourth request to extend the deadline for filing the joint pretrial order.

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6. This Stipulation is submitted in good faith and not to delay the proceedings.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

DATED: October 16, 2024

DATED: October 16, 2024

McCORMICK, BARSTOW, SHEPPARD,
WAYTE & CARRUTH LLP

BAILEY ❖ KENNEDY

By: /s/Todd W. Baxter

By: /s/Joshua P. Gilmore

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*Attorneys for Defendants and
Counterclaimant*

Attorneys for Plaintiffs/Counterdefendants

IT IS THEREFORE ORDERED that the parties' stipulation (ECF No. 601) is GRANTED.
**Barring extreme unforeseen circumstances, this shall be the last extension of discovery
deadlines that the Court will grant.**

DATED: October 17, 2024



DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE

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